



**NH OFFICE OF PLANNING AND DEVELOPMENT (OPD)
SPRING 2023 PLANNING & ZONING CONFERENCE
SATURDAY, APRIL 29, 2023**

ONLINE CONFERENCE DETAILED AGENDA

(ALL SESSIONS WILL BE RECORDED AND AVAILABLE ON [OPD'S YOUTUBE PAGE](#) FOLLOWING THE CONFERENCE)

ZONING BOARD OF ADJUSTMENT (ZBA) TRACK

8:45 – 9:00 AM **WELCOME AND INTRODUCTORY REMARKS**
Jennifer Gilbert, Director, NH Office of Planning & Development

9:00 – 10:15 AM **ZBA DECISION MAKING PROCESS**
C. Christine Johnston, Esq., Drummond Woodsum
Matthew Serge, Esq., Drummond Woodsum

You've notified abutters, held the public hearing, heard hours of testimony, and now it's time to make a decision. What do you do? Do you need to decide right then and there? What if you only have four members present? Can there be conditions of approval? Do you vote on each of the criteria separately? Do you need to vote on anything at all? If these and other questions have plagued your ZBA, this session is for you.

10:15 – 10:30 AM **BREAK**

10:30 – 11:45 AM **THE ZBA IN NH**
Christopher L. Boldt, Esq., Donahue, Tucker & Ciandella PLLC

This session will provide a detailed look at the statutory responsibilities of the ZBA including appeals of administrative decisions, special exceptions, variances and equitable waivers. This session will also provide an in-depth discussion of how the case law interprets the five variance criteria.

11:45 AM – 12:45 PM **LUNCH BREAK**



12:45 – 2:00 PM

ZBA Q&A

*Christopher L. Boldt, Esq., Donahue, Tucker & Ciandella PLLC
C. Christine Johnston, Esq., Drummond Woodsum
Matthew Serge, Esq., Drummond Woodsum*

OPD’s Director, Jennifer Gilbert, will moderate this new session with our ZBA track presenters. Be sure to bring your questions from the morning sessions as well as any other ZBA questions and situations you may have encountered. Our long-time conference partners Chris, Christine and Matt will be available during this session for everything ZBA in this roundtable format.

2:00 – 2:15 PM

BREAK

2:15 - 3:30 PM

FLOODPLAIN VARIANCES

Jennifer Gilbert, Director, NH Office of Planning & Development and State Floodplain Management Program Administrator

Did you know there are 3 additional variance criteria that a ZBA must consider in a municipality’s floodplain ordinance? There are 220 municipalities in the state that have chosen to participate in FEMA’s National Flood Insurance Program, which requires certain language to be adopted in the municipality’s floodplain ordinance. This session will provide details about the 3 variance criteria that ZBAs must consider for a development in a FEMA-mapped floodplain area in addition to the state’s 5 variance criteria. In addition, guidance and best practices will be shared to assist ZBAs in their decision-making process with these 3 variance criteria.